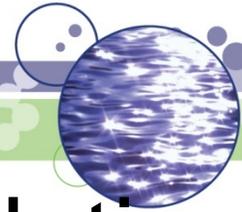


# Antidegradation Standards and Implementation Procedures 4-6-09 Draft Rule

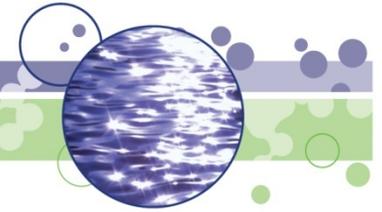
Summary with focus on changes  
from the 8-4-08 draft

Presented: April 22, 2009



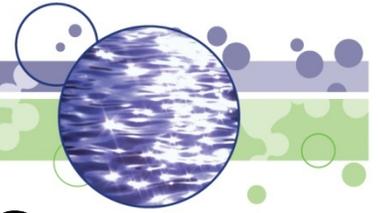
# Applicability of antidegradation standards and implementation

- Except as provided under section 4 of this rule, the antidegradation implementation procedures established by this rule apply to a proposed new or increased loading of a pollutant of concern to a surface water of the state.



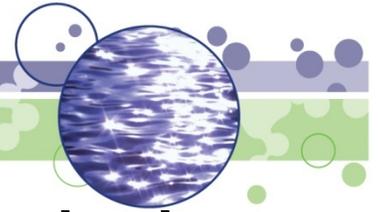
## Definitions

- Added: Best Available Demonstrated Control Technology (BADCT) – replaces DTBEL
- Deleted: De minimis technology-based effluent limitations (DTBEL)
- Added: Governmental Entity – in response to draft legislation
- Deleted: Nuisance species – no longer used
- Changed: Pollutant of Concern – reasonably expected to have an adverse affect



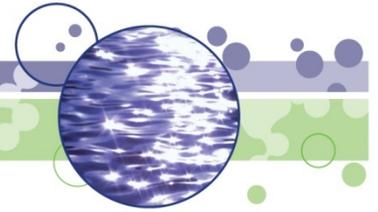
# Antidegradation standards

- No BCCs allowed in discharges to OSRW/EUW inside Great Lakes Basin
- BCCs allowed in discharges to OSRW/EUW outside Great Lakes Basin with antidegradation review



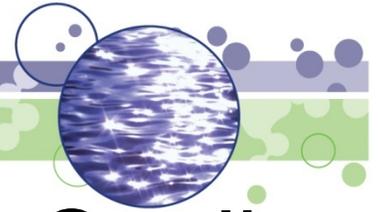
# Exemptions from the antidegradation demonstration requirements

- Modified de minimis - no de minimis for BCC
- Non-de minimis exemptions categorized by level of information that must be submitted
  - Info needed by permit
  - Info to show exemption satisfied, e.g., reference of pertinent document such as a LTCP
  - Info supplied with exemption justification



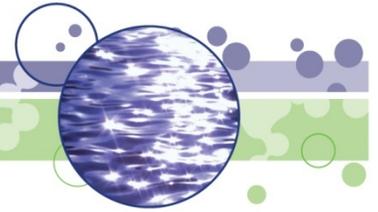
## De minimis Lowering of Water Quality for POCs with WQS or Tier 1 Criterion

- High Quality Waters – The proposed net increase in the loading of a pollutant of concern is less than or equal to (10%) of the existing unused loading capacity
- OSRWs and EUWs - The proposed net increase in the loading of a pollutant of concern is less than or equal to one percent (1%) of the existing unused loading capacity



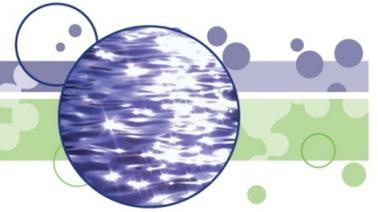
# De minimis Lowering of Water Quality for POCs with Tier 2 Values

- High Quality Waters – The proposed net increase in the loading of a pollutant of concern is less than or equal to (20%) of the existing unused loading capacity
- OSRWs and EUWs - The proposed net increase in the loading of a pollutant of concern is less than or equal to two percent (2%) of the existing unused loading capacity



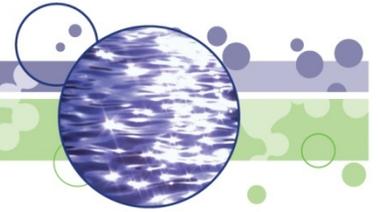
# Cumulative De minimis for HQW

- High Quality Waters - The benchmark unused loading capacity is equal to seventy-five percent (75%) of the unused loading capacity established at the time of the permit issuance for the initial increase in the loading of a pollutant of concern.
- The unused loading capacity remaining after the net increase in the loading of a pollutant of concern must be greater than or equal to the benchmark unused loading capacity.



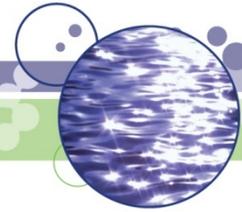
# Cumulative De minimis for OSRW/EUW

- OSRWs or EUWs - The benchmark unused loading capacity is equal to ninety seven and one half (97.5%) of the unused loading capacity established at the time of the permit issuance for the initial increase in the loading of a pollutant of concern.
- The unused loading capacity remaining after the net increase in the loading of a pollutant of concern must be greater than or equal to the benchmark unused loading capacity.



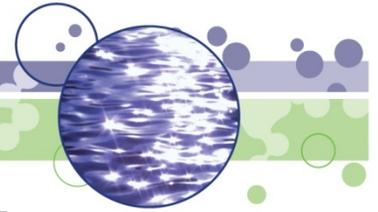
# Exemption justification

- IDEM will public notice receipt
- Public hearing if in OSRW/EUW or sufficient petition by persons within 10 digit watershed or 15 miles
- IDEM will public notice their determination



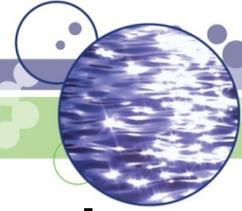
# Antidegradation demonstration application

- Additional economic and social factors that may be considered:
  - Creating, expanding, or maintaining the production of goods and services and related research and development that protects, enhances, or improves the overall quality of life
  - Increasing or reducing population



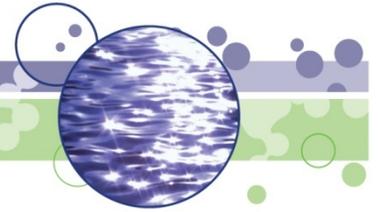
# Commissioner's determination on antidegradation demonstration

- IDEM will public notice receipt
- Public hearing if in OSRW/EUW or sufficient petition by persons within 10 digit watershed or 15 miles
- Applicant will have already held a public meeting to present their rationale supporting the elements of their antidegradation demonstration
- IDEM shall give substantial weight to any applicable determinations by a governmental entity
- IDEM will public notice their determination



## Water quality improvement project application or payment to the OSRW improvement fund

- If project, an application is required
- IDEM will public notice receipt of application
- If fee, identification of a water quality improvement project is not required
- IDEM will solicit input from interested parties on the identification and selection of projects to be funded by the improvement fund



# Public Notice

- Applies to:
  - antidegradation exemption justification
  - antidegradation demonstration
  - water quality improvement project application
- Public hearing if in OSRW/EUW or sufficient petition by persons within 10 digit watershed or 15 miles
- Hearing for WQ improvement project is concurrent with hearing for the antideg demo



# Q and A and Next Steps

- Questions?
- Next Steps:
  - Consider Feedback
  - Set meeting for Larger Stakeholder Group
  - Second notice draft rule language